

## Legislators hope to limit tribe's casino advantage

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SouthCoast legislators are mounting an assault on the provision of the state's Expanded Gaming Act that gives the Mashpee Wampanoag an open-ended window to win the exclusive rights for a casino in the southeastern part of the state.

State Reps. William Straus, D-Mattapoisett, and Robert Koczera, D-New Bedford, are planning to file legislation limiting the time for the tribe to develop its planned resort casino at the junction of routes 24 and 140 in Taunton.

"To me, it's an equity issue," Koczera said. "There are three areas in the state and all of them should benefit from the economic development. Our region shouldn't be left out. Our region is being hurt" by the open-ended exclusivity offered to the tribe.

The Cape Cod tribe met all state deadlines in its effort to operate a tribal casino, but two federal roadblocks remain. First, the land has to be taken into trust by the Department of the Interior, a process now blocked by a Supreme Court ruling. Second, the compact specifying the terms of how the casino would be operated ran afoul of the federal Bureau of Indian Affairs, which ruled that the 21.5 percent of gross gaming revenues the tribe would have paid the state is too steep a cost for the exclusive right to casino gaming in Southeastern Massachusetts. Commercially licensed casinos in two other sections of Massachusetts will pay the state 25 percent.

The state Gaming Commission has the authority to determine when and if it believes the land-into-trust issue can be settled, and Chairman Stephen Crosby has said he'll give the tribe plenty of time to get that accomplished. If it's not going to happen, the area's promised casino would be opened to commercial bidding, as is the case in the state's two other regions.

"There has to be some finality to this process, some point at which the gaming commission and the commonwealth will move ahead," Koczera said.

Straus said the area's representatives have talked about working together on legislation.

"There's no doubt there will be, at least among House members, a proposal we're all going to push together," he said.

Asked how much time he would give the tribe to resolve the land-into-trust issue, Straus said, "I think we'd have to have a date some time in 2013.

"Even while that is pending, I would hope the commission would on its own realize the need, for fairness, to open up this zone to commercial licenses," Straus said. "There's no question they have the authority."

Then there's the matter of renegotiating the rejected compact.

Jason Lefferts, a spokesman for the governor, said the tribe and state have had "active discussions" about a new compact, but "formal negotiations have not yet begun."

Given the nature of the rejection, the local legislators said any new version is virtually guaranteed to be a worse deal for the state. "Any new compact by definition has to be worse for the commonwealth than the one we voted against in July," Straus said. "Those who had voted for the first one, given the guarantee of a worse deal this time around, that's put a lot of pressure on them."

"All they have to do is say 'no' and we'll have commercial bidding in the area."

When the compact was up for approval in the state Senate and House of Representatives in July, the only SouthCoast legislators to vote in favor were Sen. Marc Pacheco, D-Taunton, in whose district the tribal casino would be built, and Rep. Paul Schmid, D-Westport.